IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5089 OF 2006
IN
FIRST APPEAL NO.3014 OF 2006

Nandkumar Jaywant Dandekar & Anr. ...Applicants

Versus

Vinayak Vithoba Dandekar & Ors. ...Respondents

Shri S.M. Jani for the Applicants.

Ms Preeti Gada i/by Shri Sudhir Shah for the Respondents.

CORAM : A. S. OKA, J.

DATE : JANUARY 12, 2007.

P.C.:

1. Heard Advocate for the Applicants and the Advocate for the first Respondent.

2. The suit has been decreed in terms of prayer (a) which reads thus:

> "a) that it may be declared by this Hon'ble Court that the Defendant No.1 has no right to obstruct and/or interfere with the day to day affairs of the Plaintiff from his residence premises situated on the second floor

of the building "Dandekar House" situated at 91/C, Banganga Road, Walkeshwar, Bombay 400 006, peacefully and cook thereat and the said Nandakumar is not entitled to object to the same".

3. The learned Advocate for the Applicants does not dispute that the first Respondent-Plaintiff is occupying a room having area of 78 sq.ft on the second floor of the building. The Advocate appearing for the first Respondent states that cooking activities will be confined to the said area of 78 sq.ft.

4. Considering the operative part of the decree and aforesaid statements, no case is made out for grant of stay. Application for stay is rejected.

JUDGE